

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: November 14, 2023

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re: Eric Patrick Martin

Case No.: 23-18333

Judge: RG

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date: 01/03/2024

☐ Motions Included

☐ Modified/ No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS MAY BE AFFECTED.**

The Court issued a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the Chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7. IF ANY, AND SPECIFY ☐ 7a/ ☐ 7b/ ☐ 7c

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY. ☐ 7a/ ☐ 7b/ ☐ 7c.

Initial Debtor(s)' Attorney: /s/DES

Initial Debtor: EM

Initial Co-Debtor: \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay to the Chapter 13 Trustee \$2,300 monthly for 60 months starting on the first of the month following the filing of the petition. (If tier payments are proposed): and then \$\_\_\_\_\_ per month for \_\_\_\_\_ months; \$\_\_\_\_\_ per month for \_\_\_\_\_ months, for a total of \_\_\_\_\_ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. See also part 4.

☐ If a Creditor filed a claim for arrearages, the arrearages ☐ will / ☐ will not be paid by the Chapter 13 Trustee pending an Order approving sale, refinance, or loan modification of the real property.

e. For debtors filing joint petition:

☐ Debtors propose to have the within Chapter 13 Case jointly administered. If any party objects to joint administration, an objection to confirmation must be timely filed. The objecting party must appear at confirmation to prosecute their objection.

Initial Debtor: EM Initial Co-Debtor: \_\_\_\_\_

**Part 2: Adequate Protection** ☐ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$3,250.00 Unless a different amount is ordered by this court. The amount to be paid will then be governed by Order of this Court.
DOMESTIC SUPPORT OBLIGATION		
IRS	2022 Taxes	\$1,968.23

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Name of Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:		

**Part 4: Secured Claims** ☒ NONE

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ NONE

The Debtor will pay to the Trustee allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
Nationstar Mortgage, LLC	Debtor's Residence 41 Valley View Trail Sparta, NJ	\$5,364.25	0	\$5,364.25	\$2,582.00  Debtor shall pay the regular monthly payment pursuant to the terms of the underlying loan documents unless otherwise ordered.

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☒ NONE

The Debtor will pay to the Trustee allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
					\$  Debtor shall pay the regular monthly payment pursuant to the terms of the underlying loan documents unless otherwise ordered.

**c. Secured claims excluded from 11 U.S.C. 506: ■ NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Interest Rate	Amount of Claim	Total to be Paid Including Interest Calculation by Trustee

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ■ NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid by Trustee

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered (identify property and add street address, if applicable)	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan. ☐ NONE**

The following secured claims are unaffected by the Plan:

NAME OF CREDITOR	Collateral (identify property and add street address, if applicable)
Nissan Financial Services	2021 Nissan Sentra

**g. Secured Claims to be Paid in Full Through the Plan: ☐ NONE**

Name of Creditor	Collateral (identify property and add street address, if applicable)	Amount	Interest Rate	Total Amount to be Paid through the plan by Trustee
Lake Mohawk Country Club	Debtor's Residence 41 Valley View Trail Sparta, NJ	\$39,741.00	0	\$39,741.00

**Part 5: Unsecured Claims** ☒ NONE

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_\_\_ to be distributed pro rata  
☐ Not less than \_\_\_\_\_ percent  
☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid by Trustee

**Part 6: Executory Contracts and Unexpired Leases** ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured and paid by Trustee	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment to be Paid Directly to Creditor by Debtor

**Part 7: Motions** ☐ NONE

**NOTE:** All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Name of Creditor	Nature of Collateral (identify property and add street address, if applicable)	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified



**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**d. Where the Debtor retains collateral, upon completion of the Plan and issuance of the Discharge, affected Debtor may take all steps necessary to remove of record any lien or portion of any lien discharged.**

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

☒ Upon confirmation

☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- |  |                                |
|--|--------------------------------|
| 1) Ch. 13 Standing Trustee commissions | 5) Secured Claims              |
| 2) DSO Obligations                     | 6) Priority Claims             |
| 3) Attorney Fees                       | 7) General Unsecured Creditors |
| 4) Lease Arrearages                    |                                |

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

**NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: October 4, 2023.

Explain below **why** the plan is being modified:

Secured claim of Nissan Financial Services added to Section 3f of Plan.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes - J Only ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

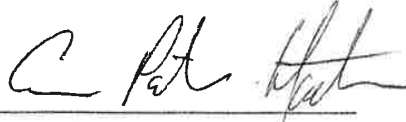
Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*.

I certify under penalty of perjury that the above is true.

Date: JAN. 4, 2024

  
Eric Patrick Martin, Debtor

Date: 01-04-2024

/s/Dean G. Sutton  
Attorney for the Debtor



In re:  
Eric Patrick Martin  
Debtor

Case No. 23-18333-RG  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Jan 09, 2024

User: admin  
Form ID: pdf901

Page 1 of 2  
Total Noticed: 20

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 11, 2024:

Recip ID	Recipient Name and Address
db	+ Eric Patrick Martin, 41 Valley View Trail, Sparta, NJ 07871-1418
520032573	+ Lake Mohawk Country Club, 21 The Boardwalk, Sparta, NJ 07871-1806
520032572	+ Lake Mohawk Country Club, Kennedys CMK LLP, 120 Mountain View Boulevard, Basking Ridge, NJ 07920-3454
520032587	Nissan Financial Services, PO Box 660360, Dallas, TX 75266-0360
520043949	+ Wendy Martin, 41 Valley View Trail, Sparta NJ 07871-1418

TOTAL: 5

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Jan 09 2024 20:40:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Jan 09 2024 20:40:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
520032569	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Jan 09 2024 20:57:25	Citi Mastercard, Attn: Centralized Bankruptcy/Citicorp, Po Box 790034, St Louis, MO 63179-0034
520062327	Email/Text: mrdiscen@discover.com	Jan 09 2024 20:39:00	Discover Bank, P.O. Box 3025, New Albany, Oh 43054-3025
520032570	+ Email/Text: mrdiscen@discover.com	Jan 09 2024 20:39:00	Discover Financial, Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
520043948	Email/Text: sbse.cio.bnc.mail@irs.gov	Jan 09 2024 20:40:00	Internal Revenue Service, PO Box 7346, Philadelphia PA 19101-7346
520032571	+ Email/Text: key_bankruptcy_ebnc@keybank.com	Jan 09 2024 20:41:00	Key Bank, PO Box 5788, Cleveland, OH 44101-0788
520032574	+ Email/Text: nsm_bk_notices@mrcooper.com	Jan 09 2024 20:40:00	Mr Cooper, PO Box 619094, Dallas, TX 75261-9094
520098242	Email/Text: nsm_bk_notices@mrcooper.com	Jan 09 2024 20:40:00	Nationstar Mortgage LLC, ATTN: Bankruptcy Department, PO Box 619096, Dallas, TX 75261-9741
520032575	+ Email/Text: electronicbkydocs@nelnet.net	Jan 09 2024 20:40:00	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520093880	Email/Text: Bankruptcy.Notices@pnc.com	Jan 09 2024 20:40:00	PNC Bank, National Association, po box 94982, Cleveland, OH 44101
520032589	Email/Text: Bankruptcy.Notices@pnc.com	Jan 09 2024 20:40:00	PNC Financial, Attn: Bankruptcy, 300 Fifth Avenue, Pittsburgh, PA 15222
520101664	+ Email/PDF: ebn_ais@aisinfo.com	Jan 09 2024 20:57:24	Synchrony Bank, by AIS InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
520032590	+ Email/PDF: ais.sync.ebn@aisinfo.com		

District/off: 0312-2

User: admin

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Date Rcvd: Jan 09, 2024

Form ID: pdf901

Total Noticed: 20

Jan 09 2024 20:45:39

Synchrony Bank/Amazon, Attn: Bankruptcy, Po  
Box 965060, Orlando, FL 32896-5060

520055193

+ Email/Text: electronicbkydocs@nelnet.net

Jan 09 2024 20:40:00

US DEPARTMENT OF EDUCATION C/O  
NELNET, 121 S 13TH ST, LINCOLN, NE  
68508-1904

TOTAL: 15

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
520032576	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032577	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032578	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032579	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032580	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032581	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032582	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032583	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032584	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032585	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032586	*+	Nelnet, Attn: Claims, Po Box 82505, Lincoln, NE 68501-2505
520032588	*	Nissan Financial Services, PO Box 660360, Dallas, TX 75266-0360

TOTAL: 0 Undeliverable, 12 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 11, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 5, 2024 at the address(es) listed below:

Name	Email Address
Brian C. Nicholas	on behalf of Creditor Nationstar Mortgage LLC bnicholas@kmlawgroup.com bkgroup@kmlawgroup.com
Dean G. Sutton	on behalf of Debtor Eric Patrick Martin dean@deansuttonlaw.com
Marie-Ann Greenberg	magecf@magtrustee.com
Roger Fay	on behalf of Creditor Nationstar Mortgage LLC rfay@alaw.net bkecf@milsteadlaw.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5